PENSION RULES,

OF

4TH JANUARY, 1831.

WITH NOTES.

COMPILED BY

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PENSION RULES,

OF

4TH JANUARY, 1831,

WITH NOTES.

FIRST.—Superannuation Pensions will be granted only to the superior classes of public servants indicated in the annexed list. Inferior servants, sowars, armed, or organized peons, including jemadars, and other ranks, lascars,* boatmen, artificers, labourers and menials, are to have no claim to such Provision.

* Native seamen in the Marine or Pilot establishments at the Bengal Presidency, are not included within the Provisions of these Rules.

All claims for Pension under these Rules to be referred for the examination and report of the Civil Auditor before any decision is passed on them.

Civil Auditor to report on each case.

The Governments of the several Presidencies have been cautioned by the Hon'ble the Court of Directors against holding out any hopes to the uncovenanted service of Pensions, which these Rules do not justify.

Hopes not justified by the Rules, not to be held out.

The Hon'ble the Court of Directors have enjoined the Bombay Government not to hold out an expectation to any person for Pensions, whose cases do not fall within these Regulations.

Hopes not justified by the Rules, not to be held out.

The Hon'ble the Court of Directors have laid down as a general principle that Pensions are to be granted *on* and not *after* retirement from the public service.

To be granted *on* and not *after* retirement.

SECOND.—With the exception of Native Judges and Law Officers, the applicant must have been employed in the public service for a period of at least twenty years.

Section Writers' bills to count as months.

In granting Pensions to Section Writers, their *period of service* is to be calculated by the number of monthly bills counting as months.

Section Writers' bills to count as months.

The principle of the above order, (passed prior to 1831,) by which the *services* of Section Writers are to be calculated when applicants for Pension, declared equally applicable to the revised as to the old Rules.

Section Writers on the regular establishment and not temporary ones to be allowed Pension.

Monthly bills counting as service—average formed from last 72 bills.

Section Writers on the regular establishment, but not those employed occasionally, are allowed the benefit of the Uncovenanted Pension Rules, the period of service to be calculated by the number of monthly bills, and the stipend by the average amount of the last seventy-two* bills.

Substitutes not to be allowed Pension.

The claims for Pension founded on occasional employment as a substitute Copyist for others, on the fixed establishment of a public office, are inadmissible, as in that case Government would be recognizing two claims at the same time on account of one situation.

THIRD.—The public servant, whatever may have been the period of his service, must be incapacitated for further em-

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* Under the Rules of 1831, of the last 60 *bills*, *vide* Section 2nd and Clause 2, Section 8th.

ployment, by old age, protracted ill-health. loss of sight, or other bodily or mental infirmity.

FOURTH.—The character, conduct and past services of the public servant, must be favorably certified by the Officer or Officers under whom he may have been employed, and must appear to be such as to entitle him to the favorable consideration of Government.

Applications to be made to the Department best acquainted with character of service.

Applications for Pensionary support to be considered and determined in the Department to which the party, in consequence of whose services the claim is made, may have last belonged; that Department being the most likely to be acquainted with the character of the service rendered.

Applications from persons employed in the Police to be submitted with a favorable certificate from Superintendent of Police L. P.

The Superintendent of Police L. P. desired, when submitting applications for Pension from persons employed in the Police, to state invariably how far he considers the past character and services of the applicant to entitle him to a Pension.

FIFTH.—Whenever it may be judged expedient to grant a Pension to a public officer, whose case may come within the foregoing provisions, the amount of the Pension shall be limited as follows:—

First.—If the period, during which the individual may have been actually employed in the public service, shall be more than twenty years, but less than thirty years, the amount of the Pension shall not exceed one-third of the monthly salary or authorized official allowances of such individual, calculated on an average of five years previously to the date of the application for such Pension.

Second.—If the period of actual service shall have been thirty years or upwards, the amount of the Pension shall not exceed one-half of the

salary or authorized allowances of the individual, calculated in the manner above stated.

Third.—For Law Officers and Native Judges, the period of fifteen years shall be substituted for that specified in Clause 1st, and twenty-two years for the term mentioned in the 2nd Clause.

Fourth.—The rates of Pensions shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service.

Personal allowances to be excluded from computation.

Under no circumstances shall personal allowances be taken into calculation in determining the rate of Pension issuable under the Pension Rules. Modified by the following—

The *entire* personal allowance not to be given *in addition* to Pension.

Sanction of the Court of Directors to be obtained when larger amount is to be granted than is warranted by the Rule.

Parties retiring from the service under the Regulations, are not entitled to the *whole* of their personal allowances *in addition* to the Pensions according to these Rules, and no larger amount of Pensions shall be granted than is warranted by these Rules without the previous sanction of the Hon'ble the Court of Directors.

Allowances attached to grades are not personal and to be included in calculation.

The additional allowance drawn by first class Principal Sudder Ameens and Moonsiffs, isnot considered personal.

Commissions excluded from calculation.

Pensions to uncovenanted servants, in the Opium Department—are to be calculated on their salary alone, Commissions not to be reckoned on determining the amount.

Overruled by the following—

Commissions attached to situations to be included in average made of calculation.

When situations are paid partly by salary and partly by commission, the average rate of commission or fees calculated over the entire period for which the office has been held, in

addition to the fixed payment, should be assumed as the real salaries of persons so paid, and the Pension reckoned accordingly.

Horse and Tent allowance to be taken to account.

Horse and Tent allowance of Sub-Assistants attached to the Grand Trigonometrical Survey, are to be taken into account in regulating the amount of their Pensions.

Not Talubauna.

The Talubauna of Nazirs to be excluded when computing the average.

Pensions not to be calculated on earnings of *entire* service. When such an indulgence is to be allowed, Hon'ble Court's sanction to be obtained.

Pensions should not be calculated upon the average earnings of applicant's *entire* service.—Cases may occur, in which such indulgence may be permissible, but it should be reserved to the Hon'ble the Court of Directors to determine upon them.

Law Officers and Native Judges not to be admitted when servitude is less than fifteen years.

Unless the full periods specified in Clause 3, *viz.*, fifteen and twenty-two years, shall have been passed in the discharge of the functions of Law Officer or Native Judge, the advantages conceded by the Clause are not to be allowed.

PRECEDENTS.

Service of 19 years and 10 months (out of 30 years) in qualifying grade, rewarded with 1-3rd of salary.

1. An individual 70 years' old and who had served Government upwards of 30 years, though only 19 years, 9 months and 27 days in a grade, qualifying for Pension, being less by 2 months and 3 days, than the period required by the Rules, was allowed a Pension of one-third of his salary.

Service of 18½rd years in unhealthy climate, occasioning debility and being partially blind, rewarded with 1-4th of salary.

2. Another party who had served Government for 18 years and 4 months in an unhealthy climate, which had weakened his constitution, and being besides blind of one eye and the powers of the other very much enfeebled, was allowed a compassionate allowance equal to one-fourth of his salary.

Service of 13 years rewarded with 1-5th of salary on being afflicted with defective vision.

3. A servant who had served nearly 13 years and was discharged owing to his being afflicted with defective vision, wholly incapacitating him for every kind of employment, was allowed a Pension equal to 1-5th of his salary.

SIXTH.—A Pension will hereafter be granted by Government to the family, or any member of the family of a deceased public servant, only when such servant shall have been killed in the execution of his public duty, or shall have died in consequence of wounds or accident sustained therein.

Applications to be forwarded to England through Public* Department.

The Hon'ble the Court of Directors desire that in future all Memorials praying for Pensions to the widows and families of deceased uncovenanted servants, should be transmitted to them in the Public* Department.

The Local Government to state its opinion of claim and merit of applicants, their condition, descent, and the number and age of children.

The Hon'ble the Court of Directors desire that in forwarding applications from the widows of uncovenanted assistants for pensionary support, the Local Government should state its opinion of the claims and merits of the petitioners, its belief as to their destitute condition or otherwise, their descent, whether European or Native, their age, whether with or without children dependent on them for support, and the ages of the children if any.

Widow's pension to commence generally from last payment of husband's salary or Pension.

The Pension to the widow is to commence from the cessation of the salary or Pension of the husband, in all cases in which it is not enjoined to the contrary.

SEVENTH.—Should cases arise, which are not sufficiently provided for in these Rules, or in which from special circumstances, Government may be pleased to deviate from them in favor of a claimant to a Pension, such Pension shall be considered only as temporary and provisional, until the grant shall have received the sanction of the Hon'ble the Court of Directors.

Extraordinary service rendered, injuries sustained in execution of duty or sudden termination of service from a visitation incapacitating from employment (such as blindness) can only justify a relaxation from these Rules.

The Hon'ble the Court of Directors in para. 46 of their Despatch to the Financial Department, dated 20th June, 1849, remark :—"The sole "grounds on which a justification of "the relaxation of Rules so liberal in "their provisions as are the Super-"annuation Pension Rules for the

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* Now Finanical Department.

" Uncovenanted Service, can fairly be based, are either extraordinary " service performed, injuries sustained in the discharge of public duty, " or a sudden termination of official service, resulting from a visitation " such as blindness, which wholly incapacitates from every kind of " employment."

Persons incapacitated by injuries sustained in the public service for the ordinary duties of the service, though able to contribute materially towards a livelihood, not to get more than one-fourth of their pay as Pension.

Persons who have sustained injuries in the execution of their duty which render them unfit for the ordinary duties of the service, but who are notwithstanding able to contribute materially towards a livelihood, are not to get Pensions of more than one-fourth of their monthly pay.

References to Hon'ble Court to be made through the Financial Department.

All references to the Hon'ble the Court of Directors to be made, and their sanction obtained through the Financial Department.

Marine Lascars disabled by injury received in discharge of their duty, may be Pensioned.

Lascars in the Marine service when disabled by bodily injury sustained in the actual discharge of public duty to be allowed a Pension at the discretion of Government.

A Chowkedar maimed in the execution of his duty, allowed Pension.

A Chowkedar who had served in that capacity for 25 years and was remunerated by a grant of land measuring 8 beegahs paying an annual jummah of 8 Rs., having been maimed in an encounter with some dacoits in the execution of his duty, was allowed a life Pension of Rs. 2-8 per mensem.

Two Seamen disabled in an action with Pirates, Pensioned.

Two European Seamen who had been disabled by wounds received in action with Pirates, were also allowed Pension.

Servants not entitled to Pension to get no gratuities on retirement.

Grant of gratuities upon retirement to uncovenanted servants as are excluded from the benefit of the Pension Rules, prohibited by the Hon'ble Court of Directors.

High degree of merit to be the only ground for the grant of a special Pension and not old age.

Old age should not be considered as a ground for the grant of special Pensions. These grants should be avoided, except in testimony of a very high degree of merit.

EIGHTH.—Whenever an application may be made to Government with a view of obtaining the grant of a Pension, in favor of any officer employed in the public service, the application shall contain full and specific information on the following points:

First.—The name, class or caste, age and proposed place of residence of the individual, for whom the Pension may be solicited, the situation in which he may be employed at the time when the application may be made, the total period during which the individual may have been employed in the public service, and the various official situations in which he may from time to time have been so employed.

Second.—The monthly amount of the salary or official allowances of the individual in question, on an average of five years previously to the date of the application.

Third.—The causes by which the individual may have been rendered incapable of discharging any longer the duties of his office, whether by extreme old age, protracted illness, loss of sight or other bodily or mental infirmity.

Fourth.—His general character, conduct, and past services in the official situations which he may have held.

Period of service in an ineligible grade or on a salary of 10 Rs. and under, not to be reckoned.

The period of service passed in a grade in which the candidate is not eligible to a Pension, cannot be reckoned as part of the prescribed term of service, qualifying for a Pension in a grade in which he would be eligible under the Rules of the 4th January, 1831. Meritorious cases will be considered specially where the service of the candidate has been such as to entitle him to favor, though he may not in grades entitled to Pension, have completed the prescribed terms of service.

Column 9 of Register to show the different offices held by an applicant and salary or allowance drawn by him during the whole period of service.

With reference to the above notification, by which a service of 20 years on a salary of more than 10 Rs. per month, is required to entitle civil officers to a Superannuation Pension, under the Rules of the 4th January, 1831, heads of offices are directed,

when submitting applications for Pension, to state in column 9 of the Register, what offices have been held and what rate of official emolument has been enjoyed by the applicant from time to time during the whole period of his service.

Military service not to reckon in Civil Department.

An officer whose total period of service was 29 years, the greater portion of which he served in a Military capacity, declared not entitled to pensionary support under these Rules, as Military service is not reckoned in the Civil Department.

Applications from Judicial Officers to be submitted through the Sudder Court.

In conformity to the orders of Government, the Sudder Court request that Judicial Officers, whenever they may have occasion to submit applications for the grant of Superannuation Pensions to persons subordinate to them, for the consideration and orders of Government, will forward them, with due observance of the forms prescribed in the Pension Rules, through the channel of the Court of Sudder Dewanny and Nizamut Adawlut.

Should last promotion to a qualifying grade be a reward of good conduct or meritorious service, claim may be admitted.

A claimant may be admitted to the benefit of these Rules, if the last promotion to the grade entitling him to Pension, was obtained as a reward for meritorious service or for other good conduct.

Service in Local Battalions not to be reckoned.

Service in the late Provincial Battalions to whatever length protracted, confers no claim to pensionary provision.

Stipend not to be paid in England.

No Pensions are to be paid in England.

PRECEDENT.

On services being dispensed with servants allowed pension although not quite incapacitated.

1. The services of certain Ministerial Officers whose periods of service varied from 17⅓rd to 21 years having been dispensed with, they were allowed each a Pension of 1-3rd of their salaries, though some were not quite incapacitated from further employ.

NINTH.—If the officer making the application shall be unable from his personal or official knowledge, to supply the whole of the specific information above required, he shall call upon the individual, in whose favor the application may be made, to furnish a written statement (to be verified by his oath or solemn declaration if required) on such of the points above noticed as may be necessary.

Facts stated in application to be verified by affidavits before a Magistrate.

His Excellency the Most Noble the Governor General in Council has been pleased to determine as a general rule, that persons, making applications for Pensions, shall verify the facts stated in their Memorials by affidavits before a Magistrate.

TENTH.—If the individual shall be rendered incapable of further service by protracted illness, loss of sight or other bodily or mental infirmity, a medical certificate to that effect shall be also transmitted with the application.

Medical Certificate to specify the nature of complaint and whether induced by irregular or intemperate habits or not

In a case in which the medical certificate simply reported the applicant to be suffering from the "effects of "long continued illness" and "unfit for "the performance of his duties," the Hon'ble the Court of Directors desired as follows in their Despatch No. 31, of 18th December, 1849.—"To en- "able us to decide upon the propriety of allowing the retirement upon "Pension of the uncovenanted servants of Government, it is desirable "that we should be placed in possession of detailed information regard- "ing their several cases. The nature of the complaint and whether or "not it has been induced by irregular or intemperate habits, are points "on which it is specially necessary to afford us information. We beg "this may be attended to in future.

Applicants to appear either before the Medical Board or before a Military Invaliding Committee. Those residing at any distance

It is desirable to adopt with respect to applications for civil Pensions, precautions similar to those which are in force in the Military Service, as far as may be practicable without serious inconvenience. It has been brought to

from a Military Station are to appear before a Special Invaliding Committee to be convened for the purpose and to be composed of at least 3 Officers. It is, however, discretional with Government to accept the Certificate of a single Medical Officer.

the notice of Government that cases may arise in which the certificate of a single Medical Officer cannot be held to be conclusive, and His Honor in Council is pleased accordingly to determine, with a view to check the existing practice in the Civil Department of Government of granting Pensions upon the certificate of a single Medical Officer, that in all applications for Civil Pensions under these Regulations, whether to the Government of India or to the Local Governments, it shall be optional with those Governments to require that the applicants shall appear either before the Medical Boards at the respective Presidencies or before a Military Invaliding Committee, when the station or district in which the applicant for Pension may be serving at the time of application shall be within a moderate distance of a station at which a Military Invaliding Committee is periodically assembled. With regard to applicants, who are residents at an inconvenient distance from any Military Station where an invaliding Committee is periodically assembled, the President in Council is pleased to resolve that the several Governments shall be empowered, whenever occasion may require it, to assemble at any conveniently-situated Civil Station a Special Invaliding Committee, by deputing from neighbouring districts such number of Medical Officers as may be required in order to make up a Committee of at least three Officers, at the station which may be selected for the purpose. It is to be understood, however, that it shall be discretional with the several Governments to accept the certificate of a single Medical Officer in cases in which they shall see fit to do so.

Applicant to appear before an Invaliding Committee for a certificate; when this may not be practicable, the circumstances preventing the observance of the rule to be reported.

In all future applications for Pension in the Civil Department, the applicant is to appear before an Invaliding Committee and obtain from them a Medical Certificate. When this may not be practicable, the officer recommending the grant of the Pension is to state the circumstances which prevent the observance of the Rule, in order that the propriety of dispensing with it may be taken into consideration.

ELEVENTH.—Each application for a Pension under the foregoing Rules, shall be made by the head of the office, under whom the individual recommended to be Pensioned may be employed, in a letter addressed to Government, and accompa-

nied by a Register on a separate sheet of paper in the form hereto annexed.

TWELFTH.—Lapses of Pensions shall be communicated to the Civil Auditor as soon as possible after the occurrence, and it shall be the duty of the several officers in charge of Treasuries *(Collectors)* from which Pensions are paid, to appoint a proper person of their establishment to report all lapses to them, and along with themselves be responsible to Government for the fulfilment of this Rule.

THIRTEENTH.—No Pension shall be payable in arrear for a period exceeding six months without the express sanction of Government, obtained through the Civil Auditor, unless the cause of the suspension of payment shall have been the neglect, order or act of some public officer, and beyond the control of the Pensioner, when the Civil Auditor, on a reference being made to him, shall exercise his discretion in passing arrears for payment, or submit a representation of the case for the information and orders of Government, as he shall consider proper.

Pension continued to a Nun.

A young lady, a Pensioner of Government, having entered a convent and taken vows of a religious order, instructions were issued for the payment of her stipend so long as proof of her being alive was satisfactorily ascertained.

FOURTEENTH.—It shall be the duty of the Civil Auditor to exercise a vigilant control over this class of Pensions as over all others, and with that view to bring to the notice of Government all instances in which, in the granting of Superannuation Pensions, any of these Rules may be departed from, unless he shall be distinctly informed that a special exception has been made in the individual instance.

FIFTEENTH.—It shall further be the duty of the Civil Auditor to lay before Government at the end of each official year a Statement, exhibiting a comparison between the amount of Pensions that have lapsed, and the amount of Pensions granted during the year: and as a check against the fraudulent continuance of Pensions beyond the actual term of the pensioners' lives, that officer shall from time to time compare the periodical decrement of life among the pensioners of each year, with the usual duration of life, and where lapses do not occur, in the proportion that might be anticipated, it shall be his business to institute such inquiries as may appear necessary to ascertain whether and in what particular instances fraud has actually been committed, and to submit to Government the result of his investigation.

List of the several classes of subordinate officers in the Civil Department, who, under the foregoing Rules, are considered to have eventual claims to Superannuation Pensions from Government.

Registers, Head Clerks, and Accountants.
Indexers, Examiners, Readers.
Librarians, Record Keepers.
Translators, Interpreters.
English and Native Writers, Moonshees, Jawabnuves.
English and Native Accountants, Mohurrirs, Mutusudees.
Gomastahs, Karkoons, if drawing more than 10 Rs.
Head Treasurers.
Head Native Revenue Officers, Serishtadars, Dewans.
Head Native District Revenue Officers, Tuhseeldars.
Amildars, Peshcars, Ameens.
Heads of Districts, Police Darogahs.
Law Officers, Mouluvees, Cazees, Pundits, Mooftees.
Native Judges, Sudder Ameens, Moonsiffs.
Head Executive Officers of the Courts, Nazirs.

Jailors and Jail Darogahs when duly qualified by service and good conduct, to be included in the list of public servants entitled under the existing Pension Rules to a Superannuation Pension.

Jailors and Jail Darogahs entitled to Pension.

Also Officers attached to the Calcutta Great Jail.

Officers attached to the Calcutta Great Jail, entitled to Pension.

Uncovenanted servants attached to the Grand Trigonometrical Survey, come under the provisions of the general Pension Rules.

Also servants attached to the Grand Trigonometrical Survey.

Native Doctors in civil employ to be allowed Pension, if their service be from 7 to 15 years, equal to one-third of their Garrison pay, if above 15 years, to 10 Rs. per mensem, and after 22 years, to half of their Garrison pay. *(Military Pay and Audit Regulations,* 1835, *page* 462.*)*

Also Native Doctors.

Native Doctors attached to Jails and other Civil Situations, are entitled to Pension under these Rules.

Ditto.

The Pension Rules made applicable to the Paik Companies at Cuttack, but only to those in the receipt of allowances exceeding 10 Rs. per mensem.

Also men attached to Cuttack Paik Companies, drawing more than 10 Rs.

Under the Rules in force officers receiving salaries of 10 Rs. and below that sum, are not entitled to Pensions.

Officers drawing 10 Rs. and less as salary, not entitled to Pension.

No servant of the Marine Department shall be admitted to Pension unless the period of duty on which the application is grounded has been one of continual or consecutive service.

Nor Marine Servants conditionally.

In Bengal a Superannuation Pension has never been allowed to a Chorister.

Nor Choristers.

Constables are not eligible to Pensions.

Nor Constables.

Nor Government Pleaders.

Government Pleaders not entitled to Pension.

Bailiffs are not eligible to Pension. But Government will, as special cases, entertain applications in their behalf when supported by very strong reasons, entitling individual cases to favorable consideration.

Nor Bailiffs except in Special cases.

The Hon'ble the Court of Directors decided in their Despatch No. 14, of 1848, that Sub-Assistant Surgeons are not to be admitted to the benefit of the Pension Rules.

Nor Sub-Assistant Surgeons.

On financial grounds the Hon'ble Court of Directors decline, for the present, to extend the provisions of these Rules to officers employed in the Education Department.

Nor Officers of the Education Department.

The Amlahs on the establishments of uncovenanted officers (who draw a fixed allowance on account of establishment,) do not come under the provisions of the Pension Rules.

Nor Amlahs of uncovenanted servants.

Podars though paid from the Public Funds, being generally entertained as confidential servants of the Treasurers of any office, are not entitled to pension.

Nor Podars.

Clerks on the establishments of the officers of the Supreme Court not being in any way under the control of the Government, do not come within the operation of the Rules for the grant of Pensions to uncovenanted servants of the Government.

Nor Clerks on the establishments of the Officers of the Supreme Court.

PRECEDENT.

1. A Native clerk who had served for a lengthened period in the office of the Prothonotary and Registrar of the Supreme Court at Bombay, aged 82 years, was allowed a compassionate allowance.

An aged Native clerk in the office of the Prothonotary at Bombay, granted a compassionate allowance.

☞ Pensions granted by Government, are not liable to attachment in satisfaction of Decrees of Court.—*Vide* Section II., Regulation XII. of 1814, and Constructions, Nos. 827 and 902, dated respectively the 6th September, 1833, and 24th October, 1834.

FORM REFERRED TO IN RULE ELEVENTH.

Register of an application for a Superannuation Pension from the Establishment of preferred under the rules passed by Government under date 4th January, 1831.

1	2	3	4		5			6	7			8	9		10	11		12		13	14	15		16	17
Name of the person by whom the Pension is applied for with the name of his father.	Number on the Establishment.	Identification of Applicant's Person.	Size.		Age of Applicant at the time of application.			Religion, Caste or Tribe.	Where residing.			Present employment.	Total period of Service.		Date of Application to Government.	Average Salary or authorized official allowances per mensem for the five years preceding the date of application.		Salary or authorized official allowance per mensem at the time of application.		Abstract of the grounds of application.	Remarks by the Head of Office.	Proposed amount of Pension per mensem.		Treasury at which the party is Pensioned wishes to draw his Pension.	Orders of Government.
			Feet.	Inches.	Years.	Months.	Days.		Province.	Pergunnah.	Village.		Years.	Months.											

(Signature of the head of the office.)

N. B.—It must be understood that this Register is not to supersede the detailed information required by the Pension Rules.
When communicating the grant of Superannuation Pensions to the Civil Auditor, a copy of this Register to be furnished him.

The two following headings should be substituted for the heading "total period of service" in the statement in the preceding page.

Specification of Service.	Period of Service.	
	Years.	Months.
(Here enter the denomination of the several grades of office, which the applicant may have filled, as also the rate of monthly *allowance* or *salary* drawn by him in the several appointments filled by him during his official career.)		
Total period of Service,...		

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